

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ROTISH V. SINGH,

2:14-CV-01477-SB

Plaintiff,

ORDER

v.

SUE WASHBURN et al.,

Defendants.

BROWN, Judge.

Magistrate Judge Stacie F. Beckerman issued Findings and Recommendation (#50) on February 5, 2016, in which she recommends the Court grant in part and deny in part Defendants' Partial Motion (#26) to Dismiss Plaintiff's Complaint and deny Plaintiff's Motion (#40) for Leave to File Supplemental Complaint without prejudice to Plaintiff to pursue his new claims in a separate action. Plaintiff filed Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make

a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*).

This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Beckerman's Findings and Recommendation (#50) and, therefore, **DENIES** Plaintiff's Motion (#40) for Leave to File Supplemental Complaint without prejudice to Plaintiff to pursue his new claims in a separate action.

The Court also **GRANTS in part** and **DENIES in part** Defendants' Partial Motion (#26) to Dismiss Plaintiff's Complaint as follows:

1. **GRANTS** Defendants' Partial Motion to Dismiss as to Plaintiff's First Claim and **DISMISSES** that claim **with prejudice**;
2. **GRANTS** Defendants' Partial Motion to Dismiss as to Plaintiff's claim against Defendant S. Johnson and **DISMISSES** that claim **with prejudice**; and

3. **DENIES** Defendants' Partial Motion to Dismiss as to
Plaintiff's claim against Defendant M. Gower.

IT IS SO ORDERED.

DATED this 15th day of March, 2016.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge